

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ROBERT E. PHILLIPS, # 0083516,
Petitioner,

v.

SAM COCHRAN,
Respondent.

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CIVIL ACTION NO. 13-00039-KD-C

ORDER

After due and proper consideration of all issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 13) made under 28 U.S.C. § 636(b)(1)(B) and dated August 14, 2013, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Petitioner's habeas corpus petition (Doc. 1), filed pursuant to 28 U.S.C. § 2241, be **DISMISSED WITHOUT PREJUDICE** due to his failure to exhaust all available state court remedies. Petitioner is not entitled to a certificate of appealability, and he is not entitled to appeal *in forma pauperis*.

DONE and ORDERED this the **20th** day of **September 2013**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE